

House Amendment 1285

PAG LIN

1 1 Amend Senate File 359, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 3 through 11, and
1 4 inserting the following:
1 5 <1. As used in this section, "lease" or "rental
1 6 agreement" means any lease or rental agreement
1 7 covering premises occupied for dwelling, professional,
1 8 business, agricultural, or similar purposes if both of
1 9 the following conditions are met:
1 10 a. The lease or rental agreement was executed by
1 11 or on behalf of a service member who, after the
1 12 execution of the lease or rental agreement, entered
1 13 military service.
1 14 b. The service member or the service member's
1 15 dependents occupy the premises for the purposes set
1 16 forth in this subsection.
1 17 2. a. A service member may terminate a lease or
1 18 rental agreement by providing written notice to the
1 19 lessor or the lessor's agent at any time following the
1 20 date of the beginning of the service member's period
1 21 of military service. The notice may be delivered by
1 22 placing it in an envelope properly stamped and
1 23 addressed to the lessor or the lessor's agent and
1 24 depositing the notice in the United States mail.
1 25 b. Termination of a month-to-month lease or rental
1 26 agreement shall not be effective until thirty days
1 27 after the first day on which the next rental payment
1 28 is due and payable after the date when notice is
1 29 delivered or mailed. As to all other leases or rental
1 30 agreements, termination shall be effective on the last
1 31 day of the month following the month in which notice
1 32 is delivered or mailed. Any unpaid rent for the
1 33 period preceding the termination in such cases shall
1 34 be computed on a pro rata basis and any rent paid in
1 35 advance after termination shall be refunded by the
1 36 lessor or the lessor's agent.
1 37 c. Upon application by the lessor and prior to the
1 38 termination period provided in the notice, a court may
1 39 modify or restrict any relief granted in this
1 40 subsection as the interests of justice and equity
1 41 require.
1 42 3. A person who knowingly seizes, holds, or
1 43 detains the personal effects, clothing, furniture, or
1 44 other property of any person who has lawfully
1 45 terminated a lease or rental agreement covered under
1 46 this section or who interferes in any manner with the
1 47 removal of property from the premises for the purposes
1 48 of subjecting the property to a claim for rent
1 49 accruing subsequent to the date of termination of the
1 50 lease or rental agreement commits a simple
2 1 misdemeanor.>
2 2 #2. Title page, line 2, by inserting after the
2 3 word <detention> the following: <and providing a
2 4 penalty>.
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2 8 EICHHORN of Hamilton
2 9 SF 359.502 80
2 10 rh/pj